

15 September 1997

Re: NEPA Technical Inquiry 0143 - Storage Requirements for CFCs

Dear NEPA Call-In User:

This letter is in response to your August 26, 1997 request for storage requirements for chlorofluorocarbons (CFCs). Specifically you would like to know if there is any Environmental Protection Agency (EPA) or Occupational Safety and Health Administration (OSHA) limit to the amount of liquid CFCs that can be stored for future use in Denver, Colorado.

SUMMARY OF FINDINGS

NEPA Call-In found there are no Federal, State, or County of Denver regulatory limits on the amount of CFCs that can be stored. However, the Denver Fire Protection Bureau requires that you obtain a permit if you store CFCs in excess of 500 pounds. NEPA Call-In's detailed findings are provided below.

DETAILED FINDINGS

NEPA Call-In contacted a representative of the Environmental Protection Agency's (EPA) Resource Conservation and Recovery Act (RCRA), Emergency Planning and Community Right to Know Act (EPCRA), and Superfund Hotline, (800) 424-9346, to determine if there are federal regulations for the amount of CFCs that can be stored. We also inquired as to whether a permit is required to store CFCs. The representative stated there are no Federal regulations under RCRA, EPCRA, or Superfund that limit storage amounts of CFCs; nor are there permit requirements for the storage of CFCs. Although EPCRA does not place limits on the amount of a chemical that can be stored or require permits, it does require facilities to report quantities greater than the regulatory limit to local officials. The hotline representative referred us to the EPA Stratospheric Ozone Information Center for possible storage amount requirements under the Clean Air Act (CAA).

In a follow up call to you, you stated you did not know the particular CFC that was being stored. NEPA Call-In can provide you information on the proper reporting requirements under EPCRA, if you can provide the chemical name of the CFC that is being stored.

NEPA Call-In then contacted Mr. Lars Wilcult, Information Specialist, Stratospheric Ozone Information Center, (800) 296-1996. Mr. Wilcult stated there are no limits on storage amounts of CFCs, or permitting requirements under the CAA or its implementing regulations. However, Mr. Wilcult stated there may be State or local regulations governing this issue.

We contacted Ms. Michelle Daniels, Program Assistant, Colorado Department of Health and Environment, (303) 692-2000. Ms. Daniels stated that Colorado does not regulate storage amounts or require permits for CFCs, but stated some localities may. She suggested we contact Ms. Janet Burgesser, County of Denver, Colorado, (303) 285-4068.

NEPA Call-In attempted to contact Ms. Burgesser; however she was unavailable. NEPA Call-In spoke with Mr. Steve Gonzales, Environmental Protection Specialist, County of Denver, who stated there are no local ordinances in Denver limiting the amount of CFCs that can be stored or requiring permits. However he stated the Denver Fire Prevention Bureau may have permitting requirements.

We contacted Lieutenant Tony Beruman, Hazardous Materials Division, Denver Bureau of Fire Prevention, (303) 640-5522. Mr. Beruman stated that CFCs are one of the aerosol products regulated by the Uniform Fire Code. Although there is no limit to the amount of CFCs you may store, you are required to obtain a permit from the Bureau of Fire Prevention if you store CFCs in excess of 500 pounds. Mr. Beruman provided Article 88, "Aerosol Products," Uniform Fire Code, 1994 (enclosed) which provides information on the proper storage and display of aerosol products. He also provided Section 105 of the Uniform Fire Code which states permits are required to store or handle aerosol products in excess of 500 pounds.

NEPA Call-In then contacted Ms. Maureen O'Donnell, Industrial Hygienist, Health Compliance Assistance, OSHA, (202) 219-8031, who stated OSHA does not require permits for or regulate storage amounts of CFCs.

We are enclosing the fact sheet, "Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)," August 1995, provided by PRO-ACT, the Air Force Pollution Prevention Hotline. This fact sheet provides an overview of EPCRA reporting requirements:

1. Emergency Planning (Sections 301-303) which requires facilities who have within their boundaries an amount of an extremely hazardous substance equal to or in excess of its threshold planning quantity (TPQ) to notify State and local emergency planning commissions. The Environmental Protection Agency (EPA) publishes the list of extremely hazardous substances in Appendix A of Title 40 Code of Federal Regulations (CFR) Part 355, "The List of Extremely Hazardous Substances and Their Threshold Planning Quantities;"
2. Emergency Release Notification (Section 304) which provides criteria under which a facility must report an accidental release of certain substances into the environment;
3. Community Right-to-Know Reporting Requirements (Section 311-312) which establishes reporting requirements for facilities that have on site an amount of hazardous chemical equal to or greater than threshold limits established by the EPA; and
4. Toxic Chemical Release Inventory Reporting (Section 313) which requires facilities to report routine releases of toxic chemicals into the environment.

Finally, NEPA Call-In is enclosing "The Emergency Planning and Community Right-to-Know Act, Section 313 Release Reporting Requirements," EPA, August 1996. This document is designed to notify businesses of the reporting requirements under Section 313 of EPCRA.

The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an

attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher